

**AMENDMENT-IN-THE-NATURE-OF-A-SUBSTITUTE**  
**FOR H.R. 1070**  
**OFFERED BY MR. LAZIO AND MS. ESHOO**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Breast and Cervical  
3 Cancer Prevention and Treatment Act of 1999”.

**4 SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN**  
**5 BREAST OR CERVICAL CANCER PATIENTS.**

6       (a) COVERAGE AS OPTIONAL CATEGORICALLY  
7 NEEDY GROUP.—

8           (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)  
9 of the Social Security Act (42 U.S.C.  
10 1396a(a)(10)(A)(ii)) is amended—

11           (A) in subclause (XIII), by striking “or”  
12 at the end;

13           (B) in subclause (XIV), by adding “or” at  
14 the end; and

15           (C) by adding at the end the following:

16                   “(XV) who are described in sub-  
17 section (aa) (relating to certain breast  
18 or cervical cancer patients);”.

1           (2) GROUP DESCRIBED.—Section 1902 of the  
2       Social Security Act (42 U.S.C. 1396a) is amended  
3       by adding at the end the following:

4       “(aa) Individuals described in this paragraph are in-  
5       dividuals who—

6           “(1) are not described in subsection  
7       (a)(10)(A)(i);

8           “(2) have not attained age 65;

9           “(3) have been screened for breast and cervical  
10      cancer under the Centers for Disease Control and  
11      Prevention breast and cervical cancer early detection  
12      program established under title XV of the Public  
13      Health Service Act (42 U.S.C. 300k et seq.) in ac-  
14      cordance with the requirements of section 1504 of  
15      that Act (42 U.S.C. 300n) and need treatment for  
16      breast or cervical cancer; and

17          “(4) are not otherwise covered under creditable  
18      coverage, as defined in section 2701(c) of the Public  
19      Health Service Act (45 U.S.C. 300gg(c)).”.

20          (3) LIMITATION ON BENEFITS.—Section  
21      1902(a)(10) of the Social Security Act (42 U.S.C.  
22      1396a(a)(10)) is amended in the matter following  
23      subparagraph (F)—

24           (A) by striking “and (XIII)” and inserting

25           “(XIII)”; and

1 (B) by inserting “, and (XIV) the medical  
2 assistance made available to an individual de-  
3 scribed in subsection (aa) who is eligible for  
4 medical assistance only because of subpara-  
5 graph (A)(10)(ii)(XV) shall be limited to med-  
6 ical assistance provided during the period in  
7 which such an individual requires treatment for  
8 breast or cervical cancer” before the semicolon.

9 (4) CONFORMING AMENDMENTS.—Section  
10 1905(a) of the Social Security Act (42 U.S.C.  
11 1396d(a)) is amended in the matter preceding para-  
12 graph (1)—

13 (A) in clause (x), by striking “or” at the  
14 end;

15 (B) in clause (xi), by adding “or” at the  
16 end; and

17 (C) by inserting after clause (xi) the fol-  
18 lowing:

19 “(xii) individuals described in section  
20 1902(aa),”.

21 (b) PRESUMPTIVE ELIGIBILITY.—

22 (1) IN GENERAL.—Title XIX of the Social Se-  
23 curity Act (42 U.S.C. 1396 et seq.) is amended by  
24 inserting after section 1920A the following:

1 “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR  
2 CERVICAL CANCER PATIENTS

3 “SEC. 1920B. (a) STATE OPTION.—A State plan ap-  
4 proved under section 1902 may provide for making med-  
5 ical assistance available to an individual described in sec-  
6 tion 1902(aa) (relating to certain breast or cervical cancer  
7 patients) during a presumptive eligibility period.

8 “(b) DEFINITIONS.—For purposes of this section:

9 “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The  
10 term ‘presumptive eligibility period’ means, with re-  
11 spect to an individual described in subsection (a),  
12 the period that—

13 “(A) begins with the date on which a  
14 qualified entity determines, on the basis of pre-  
15 liminary information, that the individual is de-  
16 scribed in section 1902(aa); and

17 “(B) ends with (and includes) the earlier  
18 of—

19 “(i) the day on which a determination  
20 is made with respect to the eligibility of  
21 such individual for services under the State  
22 plan; or

23 “(ii) in the case of such an individual  
24 who does not file an application by the last  
25 day of the month following the month dur-

1 ing which the entity makes the determina-  
2 tion referred to in subparagraph (A), such  
3 last day.

4 “(2) QUALIFIED ENTITY.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graph (B), the term ‘qualified entity’ means  
7 any entity that—

8 “(i) is eligible for payments under a  
9 State plan approved under this title; and

10 “(ii) is determined by the State agen-  
11 cy to be capable of making determinations  
12 of the type described in paragraph (1)(A).

13 “(B) REGULATIONS.—The Secretary may  
14 issue regulations further limiting those entities  
15 that may become qualified entities in order to  
16 prevent fraud and abuse and for other reasons.

17 “(C) RULE OF CONSTRUCTION.—Nothing  
18 in this paragraph shall be construed as pre-  
19 venting a State from limiting the classes of en-  
20 tities that may become qualified entities, con-  
21 sistent with any limitations imposed under sub-  
22 paragraph (B).

23 “(c) ADMINISTRATION.—

24 “(1) IN GENERAL.—The State agency shall pro-  
25 vide qualified entities with—

1           “(A) such forms as are necessary for an  
2           application to be made by an individual de-  
3           scribed in subsection (a) for medical assistance  
4           under the State plan; and

5           “(B) information on how to assist such in-  
6           dividuals in completing and filing such forms.

7           “(2) NOTIFICATION REQUIREMENTS.—A quali-  
8           fied entity that determines under subsection  
9           (b)(1)(A) that an individual described in subsection  
10          (a) is presumptively eligible for medical assistance  
11          under a State plan shall—

12           “(A) notify the State agency of the deter-  
13           mination within 5 working days after the date  
14           on which determination is made; and

15           “(B) inform such individual at the time  
16           the determination is made that an application  
17           for medical assistance under the State plan is  
18           required to be made by not later than the last  
19           day of the month following the month during  
20           which the determination is made.

21           “(3) APPLICATION FOR MEDICAL ASSIST-  
22           ANCE.—In the case of an individual described in  
23           subsection (a) who is determined by a qualified enti-  
24           ty to be presumptively eligible for medical assistance  
25           under a State plan, the individual shall apply for

1 medical assistance under such plan by not later than  
2 the last day of the month following the month dur-  
3 ing which the determination is made.

4 “(d) PAYMENT.—Notwithstanding any other provi-  
5 sion of this title, medical assistance that—

6 “(1) is furnished to an individual described in  
7 subsection (a)—

8 “(A) during a presumptive eligibility pe-  
9 riod;

10 “(B) by a entity that is eligible for pay-  
11 ments under the State plan; and

12 “(2) is included in the care and services covered  
13 by the State plan;

14 shall be treated as medical assistance provided by such  
15 plan for purposes of section 1903(a)(5).”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 1902(a)(47) of the Social Se-  
18 curity Act (42 U.S.C. 1396a(a)(47)) is amend-  
19 ed by inserting before the semicolon at the end  
20 the following: “and provide for making medical  
21 assistance available to individuals described in  
22 subsection (a) of section 1920B during a pre-  
23 sumptive eligibility period in accordance with  
24 such section”.

1 (B) Section 1903(u)(1)(D)(v) of such Act  
2 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

3 (i) by striking “or for” and inserting  
4 “, for”; and

5 (ii) by inserting before the period the  
6 following: “, or for medical assistance pro-  
7 vided to an individual described in sub-  
8 section (a) of section 1920B during a pre-  
9 sumptive eligibility period under such sec-  
10 tion”.

11 (c) ENHANCED MATCH.—The first sentence of sec-  
12 tion 1905(b) of the Social Security Act (42 U.S.C.  
13 1396d(b)) is amended—

14 (1) by striking “and” before “(3)”; and

15 (2) by inserting before the period at the end the  
16 following: “, and (4) the Federal medical assistance  
17 percentage shall not be less than 75 percent with re-  
18 spect to medical assistance provided to individuals  
19 who are eligible for such assistance only on the basis  
20 of section 1902(a)(10)(A)(ii)(XV)”.

21 (d) EFFECTIVE DATE.—The amendments made by  
22 this section apply to medical assistance for items and serv-  
23 ices furnished on or after October 1, 2000, without regard  
24 to whether final regulations to carry out such amendments  
25 have been promulgated by such date.



1   **SEC. 3. HUMAN PAPILLOMAVIRUS; ACTIVITIES OF CENTERS**  
2                   **FOR DISEASE CONTROL AND PREVENTION.**

3           Part B of title III of the Public Health Service Act  
4   (42 U.S.C. 243 et seq.) is amended by inserting after sec-  
5   tion 317G the following section:

6                   “HUMAN PAPILLOMAVIRUS

7           “SEC. 317H. (a) SURVEILLANCE.—

8                   “(1) IN GENERAL.—The Secretary, acting  
9   through the Director of the Centers for Disease  
10   Control and Prevention, shall—

11                   “(A) enter into cooperative agreements  
12           with States and other entities to conduct sen-  
13           tinel surveillance or other special studies that  
14           would determine the prevalence in various age  
15           groups and populations of specific types of  
16           human papillomavirus (referred to in this sec-  
17           tion as ‘HPV’) in different sites in various re-  
18           gions of the United States, through collection of  
19           special specimens for HPV using a variety of  
20           laboratory-based testing and diagnostic tools;  
21           and

22                   “(B) develop and analyze data from the  
23           HPV sentinel surveillance system described in  
24           subparagraph (A).

25                   “(2) REPORT.—The Secretary shall make a  
26           progress report to the Congress with respect to

1 paragraph (1) not later than one year after the ef-  
2 fective date of this section.

3 “(b) PREVENTION ACTIVITIES; EDUCATION PRO-  
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary, acting  
6 through the Director of the Centers for Disease  
7 Control and Prevention, shall conduct prevention re-  
8 search on HPV, including—

9 “(A) behavioral and other research on the  
10 impact of HPV-related diagnoses on individuals;

11 “(B) formative research to assist with the  
12 development of educational messages and infor-  
13 mation for the public, for patients, and for their  
14 partners about HPV;

15 “(C) surveys of physician and public  
16 knowledge, attitudes, and practices about gen-  
17 ital HPV infection; and

18 “(D) upon the completion of and based on  
19 the findings under subparagraphs (A) through  
20 (C), develop and disseminate educational mate-  
21 rials for the public and health care providers re-  
22 garding HPV and its impact and prevention.

23 “(2) REPORT; FINAL PROPOSAL.—The Sec-  
24 retary shall make a progress report to the Congress  
25 with respect to paragraph (1) not later than one

1 year after the effective date of this section, and shall  
2 develop a final proposal not later than two years  
3 after such effective date, including a detailed sum-  
4 mary of the significant findings and problems. The  
5 report shall outline the further steps needed to make  
6 HPV a reportable disease and the best strategies to  
7 prevent future infections.

8 “(c) CONDOM EFFECTIVENESS; EDUCATION.—The  
9 Secretary shall require that the Department of Health and  
10 Human Services and all contractors, grantees, and sub-  
11 grantees of such Department specifically state the effec-  
12 tiveness or lack of effectiveness of condoms in preventing  
13 the transmission of HPV, herpes, and other sexually  
14 transmitted diseases in all informational materials related  
15 to condoms or sexually transmitted diseases that are made  
16 available to the public. The Secretary shall assure that  
17 such information is made available to relevant operating  
18 divisions and offices of the Department of Health and  
19 Human Services. This subsection shall be effective within  
20 6 months of the date of its enactment.”.

21 **SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN**  
22 **PAPILLOMAVIRUS.**

23 (a) IN GENERAL.—Section 502 of the Federal Food,  
24 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by  
25 adding at the end the following:

1       “(u) If it is a condom, unless its label and labeling  
2   bear information providing that condoms do not effectively  
3   prevent the transmission of the human papillomavirus and  
4   that such virus can cause cervical cancer.”.

5       (b) APPLICABILITY.—The amendment made by sub-  
6   section (a) applies to condoms manufactured on or after  
7   the expiration of the 180-day period beginning on the date  
8   of the enactment of this Act.